

COMMON COUNCIL

Special Meeting
August 1, 2023

Mayor Brian Doliver presided at a special meeting of the Common Council held at 6:30 PM on August 1, 2023, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Brian Doliver
Ald. Eric Warren
Ald. Fred Gee
Ald. Nancy Allaire
Ald. William Loomis
Ald. David Zieno
Ald. Robert D. Jeffrey

Also:

Director of Human Resources Lynn Murray
DPW Superintendent Edward Pepe
Youth Bureau Director Anthony Testani
EMO Stephen Cady
Community Development Director Erik Scrivener
City Attorney Stephanie Hanrahan
Deputy City Clerk Agnes Eaton

Supervisor Robert M. Jeffrey

Media Representative: Shawn McGrath, The Evening Sun

Absent

Supervisor James McNeil

Call to Order

The meeting of the Common Council was called to order at 8:24 p.m.

Correspondence

◆ **NHS Alumni End of Summer Block Party –**

1) Ald. Loomis **moved** to approve a request from Commerce Chenango to close Lackawanna Ave. from 4:00 p.m. to 10:00 p.m. for the purpose of musical entertainment and an eating area for food purchased from restaurants open onto that street during the NHS Alumni End of Summer Block Party held on September 1, 2023. The event will be from 4:00 p.m. to 8:00 p.m. with cleanup following until 10:00 p.m. Seconded by Ald. Jeffrey, approved ayes all.

2) Ald. Gee **moved** to approve a request for special event status with vendors/food trucks being located on Lackawanna Ave., the Frontier Parking Lot and East Park. Seconded by Ald. Allaire, approved ayes all.

3) Ald. Jeffrey **moved** to approve a request to approve a waiver issued to Park Place Restaurant lifting the applicable open container law §136-3 of Chapter 136 pending their receipt of a special event permit from the NYS Liquor Authority. Alcohol sales will end at 8:00 p.m. and consumption will only be allowed in a designated area on Lackawanna Ave. Seconded by Ald. Warren, approved ayes all.

4) Ald. Allaire **moved** to approve a request to approve a waiver issued to Rita's Tavern lifting the applicable open container law §136-3 of Chapter 136 pending their receipt of a special event permit from the NYS Liquor Authority. Alcohol sales will end at 8:00 p.m. and consumption will only be allowed in a designated area on Lackawanna Ave. Seconded by Ald. Jeffrey, approved ayes all.

RESOLUTION #66 - 2023

**AUTHORIZING THE CONSTRUCTION OF
IMPROVEMENTS TO AND RECONSTRUCTION OF THE
WASTEWATER TREATMENT PLANT, IN AND FOR THE
CITY OF NORWICH, CHENANGO COUNTY, NEW YORK,
AT A MAXIMUM ESTIMATED COST OF \$4,000,000, AND
AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OF
SAID CITY TO PAY COSTS THEREOF**

Ald. Warren introduced the following and **moved** its adoption:

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; now, therefore, be it

RESOLVED by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Norwich, Chenango County, New York, as follows:

Section 1. Construction of improvements to and reconstruction of the Wastewater Treatment Plant, including incidental improvements and expenses in connection therewith, in and for the City of Norwich, Chenango County, New York, is hereby authorized at a maximum estimated cost of \$4,000,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$4,000,000 bonds of said City hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced dollar for dollar by the amount of any grant monies received therefor.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Norwich, Chenango County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer of said City. Such notes

shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the Director of Finance, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 7. The Director of Finance is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Bond Resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said City hereby designated for such purpose, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

Seconded by Ald. Jeffrey, approved, 6 - 0, on a roll call vote.

RESOLUTION #67 - 2023

**SEQRA DETERMINATION OF NON-SIGNIFICANCE CONCERNING
WWTP NUTRIENT REMOVAL UPGRADE PROJECT**

Ald. Jeffrey introduced the following and moved its adoption:

WHEREAS, the City of Norwich has undertaken a project to upgrade and rehabilitate the Waste Water Treatment Plant;

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now, therefore be it

RESOLVED that the City of Norwich hereby determines that the proposed WWTP Nutrient Removal Upgrade Project is a Type II action in accordance with 6 NYCRR Section 617.5(c) (2) which constitutes replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this part; and further be it

RESOLVED, that the City of Norwich has determined that the proposed action will not result in a significant adverse impact on the environment and is therefore not subject to further review under 6 NYCRR Part 617.

Seconded by Ald. Allaire and duly adopted 6 - 0, on a roll call vote.

Adjournment

Ald. Jeffrey **moved** to adjourn at 8:31 p.m. Seconded by Ald. Zieno, approved ayes all.